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## A BILL FOR AN ACT

RELATING TO TORTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§663-        Design professional as a tortfeasor. (a) Any  
5 other law to the contrary notwithstanding, including but not  
6 limited to sections 663-10.9, 663-11, 663-12, 663-13, 663-16,  
7 663-17, and 663-31, in any case where a design professional is  
8 determined to be a tortfeasor along with one or more other  
9 tortfeasors, the design professional shall be liable for no more  
10 than that percentage share of damages attributable to the design  
11 professional for tort claims relating to the maintenance and  
12 design of public highways, except when the design professional's  
13 degree of negligence is twenty-five per cent or more.

14           (b) For purposes of this section:

15           (1) "Design professional" means a professional engineer,  
16           architect, surveyor, or landscape architect licensed  
17           under chapter 464; and



1        (2) The liability of a design professional shall include  
2        vicarious liability for the acts or omissions of the  
3        design professional's officers and employees."

4        SECTION 2. The provisions of this Act shall apply  
5 retroactively to the extent permitted by law.

6        SECTION 3. New statutory material is underscored.

7        SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*J. Al. Karamita*

JAN 23 2009



**Report Title:**

Joint and Several Liability; Design Professionals

**Description:**

Abolishes joint and several liability for design professionals except when the design professional's degree of negligence is 25% or more.

